

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VOLKSWAGON OF AMERICA, INC.,

Plaintiff,

Case No. 07-14992

v.

Hon. John Corbett O'Meara

MHL TEK, LLC., ANIMATRONICS, INC.,
MCLAUGHLIN ELECTRONICS, INC.,
MICHAEL HANDFIELD, AND
HELEN LALIBERTE

Defendants.

ORDER OF PARTIAL DISMISSAL

On January 25, 2008, Plaintiff filed an amended complaint alleging the following causes of action: Count I, Unfair Competition under Michigan Common Law; Count II, Defamation and Trade Disparagement under Michigan Common Law; Count III, Abuse of Process under Michigan Common Law; Count IV, Violation of the Lanham Act, pursuant to 15 U.S.C. § 1125(a); Count V, Declaratory Judgment of Non-Infringement; Count VI, Declaratory Judgment of Patent Invalidity; and Count VII, Declaratory Judgment of Patent Unenforceability . Plaintiffs do not allege that diversity jurisdiction exists. Although Counts IV through VII are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts I, II, and III of Plaintiff's amended

complaint are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: June 30, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 30, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager